

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

Amendment of Section 15.117(g)(3) of)
the Commission's Rules Relating to the)
Filing of UHF Noise Figure Performance)
Measurements)

ET Docket No. 95-144
RM-8484

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**COMMENTS OF THE CONSUMER ELECTRONICS GROUP
OF THE ELECTRONIC INDUSTRIES ASSOCIATION**

The Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") submits the following comments in response to the Notice of Proposed Rulemaking ("*Notice*") which the Commission issued in the above-captioned proceeding on September 12, 1995.¹ In the *Notice*, the Commission has proposed to eliminate the requirement that manufacturers of television receivers file UHF noise figure performance reports for recently introduced models.²

As the *Notice* makes clear, the Commission's proposal to eliminate the UHF noise figure performance reporting requirement was prompted by a petition for rulemaking filed by

¹ See Amendment of Section 15.117(g)(3) of the Commission's Rules Relating to the Filing of UHF Noise Figure Performance Measurements, Notice of Proposed Rulemaking, ET Docket No. 95-144, FCC 95-389 (released Sep. 12, 1995) [hereinafter "*Notice*"].

² See *id.* at ¶ 7.

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EIA/CEG.³ That petition was an outgrowth of EIA/CEG's assessment that the UHF noise figure reporting requirement is imposing needless burdens on the resources of both government and industry. EIA/CEG therefore appreciates the Commission's responsiveness to the concerns expressed in its petition and is pleased that the Commission has tentatively decided to eliminate the UHF noise figure performance reporting requirement.

I. ELIMINATING THE UHF NOISE FIGURE REPORTING REQUIREMENT WILL FURTHER THE ADMINISTRATION'S REGULATORY REINVENTION INITIATIVE

EIA/CEG wishes to commend the Commission for recognizing, and taking advantage of, the opportunity presented by EIA/CEG's petition to further the Administration's Regulatory Reinvention Initiative by, *inter alia*, responding to the needs of industry, eliminating unnecessary regulatory burdens, and seeking to increase the efficiency of government.⁴ In particular, EIA/CEG applauds the Commission for honoring its pledge to "minimize [the] reporting burdens on business."⁵ Obviously, by eliminating the UHF noise figure reporting requirement, the Commission will advance this important goal.

³ See Petition for Rulemaking of the Electronic Industries Association, RM-8484 (filed Jan. 21, 1994).

⁴ See "Report to the Commissioners, Creating a Federal Communications Commission for the Information Age," Report of the Special Counsel to the Commission on Reinventing Government, Appendix B, at 1 (Feb. 1, 1995) (proposing to "delete the requirement for TV receiver manufacturers to file an annual report of the UHF noise figures for their receivers").

⁵ "FCC in Midst of Vigorous Effort to Reinvent Itself in Cooperation With the President's Regulatory Reinvention Initiative," FCC News Report, Mimeo No. 55841, at 2 (Sep. 18, 1995).

The Commission will also be serving the public interest by increasing the efficiency of both government and industry. Once this unnecessary reporting requirement is lifted, the consumer electronics industry will be able to shift to more productive uses funds previously expended demonstrating compliance with the UHF noise figure requirement. For its part, the Commission will no longer be obligated to dedicate any of its scarce resources to administering an admittedly obsolete reporting program.⁶ Given the growing possibility of further cutbacks in the Commission's already strained budget, the importance of maximizing the efficient utilization of the Commission's resources cannot be overstated.

II. CONTINUATION OF THE UHF NOISE FIGURE REPORTING REQUIREMENT IS INCONSISTENT WITH THE VERIFICATION PROCESS

EIA/CEG concurs in the Commission's assessment that the UHF noise figure reporting requirement is inconsistent with the Commission's verification process for the authorization of television receivers.⁷ By its very nature, verification is a self-approval process. It allows manufacturers and importers of television receivers to conduct their own tests to verify that their television receivers are capable of complying with the technical standards set forth in Part 15 of the Commission's rules,⁸ including the requirement that the UHF noise figure of television receivers not exceed 14 dB.⁹ Under the Commission's verification rules,

⁶ See Notice at ¶ 7.

⁷ See *id.* at ¶ 6.

⁸ See 47 C.F.R. § 2.902 (1994).

⁹ See *id.* at § 15.117(g)(3).

manufacturers and importers of television receivers must maintain records of the results of their tests;¹⁰ they are not required to submit sample products or test reports to the Commission unless specifically requested to do so.¹¹

The UHF noise figure reporting requirement, by contrast, obligates manufacturers and importers to compile test measurement data on UHF noise figures for each model during the first year of its introduction and to file these performance measurements with the Commission. Plainly, the filing of such data is inconsistent with the concept of self-approval, which lies at the heart of the verification process. Accordingly, EIA/CEG supports the Commission's proposal to cure this anomaly by eliminating the UHF noise figure reporting requirement.

III. THE VERIFICATION PROCESS AND MARKET FORCES ARE SUFFICIENT TO ENSURE COMPLIANCE WITH THE UHF NOISE FIGURE REQUIREMENT

In addition to being at odds with the fundamental purpose of verification -- to liberalize the authorization procedures for certain types of equipment -- the UHF noise figure reporting requirement is simply not necessary. The Commission's rules impose an ongoing obligation on manufacturers to ensure that all television receivers authorized under the verification process comply with the technical standards of Part 15, including the 14 dB UHF noise figure standard.¹² In the past, the Commission has correctly found that the verification

¹⁰ *See id.* at § 2.955.

¹¹ *See id.* at § 2.902.

¹² *See id.* at § 2.952.

process "is sufficient to ensure that TV receivers, VCRs and similar consumer electronics equipment comply with our technical requirements."¹³ There is no reason why the Commission should depart from that conclusion here.

Market forces are also more than sufficient to ensure that manufacturers comply with the UHF noise figure standard. As the Commission has aptly noted, "a poorly designed television receiver likely would fail in today's market."¹⁴ This marketplace reality explains, in part, the consumer electronics industry's longstanding and admirable record of compliance with the Commission's UHF noise figure requirement. The dearth of any complaints that consumer electronics manufacturers have violated this requirement -- and, indeed, the absence of any objection to EIA/CEG's petition -- underscores the fact that market forces are sufficient to ensure compliance with the Commission's UHF noise figure standard.¹⁵ EIA/CEG therefore wholeheartedly agrees with the Commission's determination that the reporting requirement is "no longer necessary to ensure the quality of UHF television reception."¹⁶

¹³ *Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992*, 9 FCC Rcd 1981, 2002 (1994).

¹⁴ *Notice* at ¶ 6.

¹⁵ *See id.* at ¶¶ 5-6.

¹⁶ *Id.* at ¶ 6.

IV. CONCLUSION

For all of the reasons set forth above and in its petition, EIA/CEG urges the Commission to eliminate the requirement that manufacturers of television receivers file UHF noise figure performance reports for recently introduced models.

Respectfully submitted,

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